BILL NO. Z-86-01-22

ZONING MAP ORDINANCE NO. Z-Post

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. Q-34.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That the area described as follows is hereby designated a B-2-B (Community Shopping Center) District under the terms of Chapter 33 of the Code of the City of Fort Wayne, Indiana of 1974:

Part of Lot #2 in J.D. Parker Estate, more particularly described as follows:

Point of beginning being the Northwest corner of Lot #2 in J.D. Parker Estate; thence South 87 degrees 01 minutes East on and along the North line of said Lot #2 a distance of 197.07 feet to the Northeast corner of said Lot #2; thence South 00 degrees 02 minutes East on and along the East line of said Lot #2 a distance of 125.11 feet to a point; thence North 89 degrees 55 minutes 20 seconds West a distance of 196.8 feet to a point located on the West line of said Lot #2; thence North 00 degrees 02 minutes West on and along the West line of said Lot #2 a distance of 135.1 feet to the Northwest corner of said Lot #2 also being the point of beginning said tract containing 0.58 acres, more or less,

and the symbols of the City of Fort Wayne Zoning Map No. Q-34, as established by Section 11 of Chapter 33 of the Code of the City of Fort Wayne, Indiana are hereby changed accordingly.

SECTION 2. That this Ordinance shall be in full force and effect and from and after its passage and approval by the Mayor.

COUNCILMEMBER

APPROVED AS TO FORM AND LEGALITY:

BRUCE O. BOXBERGER, CITY ATTORNEY

Read the first time in full and on motion by Eistrich seconded by Stier, and duly adopted, read the second tim by title and referred to the Committee Regulations (and the Ci Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Way Indiana, on _____, the _____ day of _____, 19____, at _____ o'clock ____.M.,E

DATE: 1-28-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Eistrich seconded by Stier, and duly adopted, placed on its passage. ~~PASSED~~ (LOST) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES		9			
BRADBURY		✓			
BURNS		✓			
EISBART		✓			
GiaQUINTA		✓			
HENRY		✓			
REDD		✓			
SCHMIDT		✓			
STIER		✓			
TALARICO		✓			

DATE: 2-25-86

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. _____ on the _____ day of _____, 19____,

ATTEST: (SEAL)

_____
SANDRA E. KENNEDY, CITY CLERK

_____
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____ day of _____, 19____ at the hour of _____ o'clock _____.M.,E.S.T.

_____
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this _____ day of _____ 19____, at the hour of _____ o'clock _____.M.,E.S.T.

_____
WIN MOSES, JR., MAYOR

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

DATE FILED 11/19/85

INTENDED USE EXPAND BOUNDARY OF MARKETPLACE OF CANTERBURY

THIS IS TO BE FILED IN DUPLICATE

I/We The Allen County Board of Commissioners
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an RA District to a/an B2B District the property described as follows:

Lot 2 J.D. Parker Est. Ex. Mid Pt N 645.5' S of N 135.1' and Ex Tri Sp S and E of Roebuck Blvd and Ex Pt sold. Approximately 1.05 Acres

Key #75-3621-5002

(Legal Descrption) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

(Name)	(Address)	(Signature)
Richard M. Regedanz	533 Charlotte Avenue	Richard M Regedanz
Jack R. Worthman	5334 Old Mill Road	
Richard M. Ellenwood	1244 Inwood Drive	

(If additional space is needed, use reverse side.)

Legal Description checked by _____.
(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or requst that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinan being sent to the newspaper for legal publication. If the request for deferral continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at whic it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that an ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matt for hearing before the City Plan Commission. (FILING FEE $50.00)

Name and address of the preparer, attorney or agent.

(Name)	(Address & Zip Code)	(Telephone Number)
Theodore Sturhoff	14132 Aboite Ctr. Rd. Fort Wayne, IN 46804	625-3623

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street, Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearir approximately ten (10) days prior to the meeting.

Part of Lot #2 in J.D. Parker Estate, more particularly described as follows:

Point of beginning being the Northwest corner of Lot #2 in J.D. Parker Estate; thence South 87 degrees 01 minutes East on and along the North line of said Lot #2 a distance of 197.07 feet to the Northeast corner of said Lot #2; thence South 00 degrees 02 minutes East on and along the East line of said Lot #2 a distance of 125.11 feet to a point; thence North 89 degrees 55 minutes 20 seconds West a distance of 196.8 feet to a point located on the West line of said Lot #2; thence North 00 degrees 02 minutes West on and along the West line of said Lot #2 a distance of 135.1 feet to the Northwest corner of said Lot #2 also being the point of beginning said tract containing 0.58 acres, more or less,

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on January 28, 1986, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-86-01-22; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on January 27, 1986.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the Commission's following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will not constitute an unusual and unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held February 3, 1986.

Certified and signed this
5th day of February 1986.

Melvin O. Smith
Secretary

FACT SHEET

Z-86-01-22

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE

Zoning Ordinance Amendment

APPROVAL DEADLINE

REASON

DETAILS

Specific Location and/or Address

Parcel located adjacent to the Northwest corner of the Marketplace of Canterbury.

Reason for Project

To give parcel a better sale value.

Discussion (Including relationship to other Council actions)

27 January 1986 - Public Hearing

NOTE: George Martin, legal counsel for the Commission disqualified himself from this case.

Ted Sholeff, representing the Allen County Board of Commissioners appeared before the Commission. Mr. Sholeff stated that they had received the property via the tax sale and they are charged by law to dispose of it at auction. He stated that the County Commissioner's feel that they can get a better price if the property is rezoning from RA to B-2-B.

Thomas Blee, attorney, representing the owner of the Marketplace of Canterbury appeared before the Commission. Mr. Blee stated that this property shares access with the Marketplace of Canterbury that being a private drive known as J.D. Parker Drive. Mr. Blee stated that the drive runs through a major portion of the Center's parking lot. He stated that J.D. Parker Drive is the only access road to the parcel in question as well as the other residents in that area. He stated that he was there not to oppose the rezoning of the parcel for a shopping center designation, but to suggest that the timing is inappropriate. He stated he was also there to put in the public record the position of the Marketplace of Canterbury with regard to access to this parcel. He stated that when he learned of the property going up for public auction he informed the County Commissioners that they should inform potential bidders that this property may not have any commercial access, it has residential access, but may not have commercial access. He stated that is because the Marketplace of Canterbury takes a position that the J.D. Parker Drive was created only as a driveway to serve the use of the persons occupying that parcel and that that usage cannot be extended to commercial use. He stated that they take that position based upon the language based in the plat. He stated that if the Commission thinks about it that in simple fairness the owner of a shopping center in which is expended $100,000 to resurface the parking lot, in which has to be striped and paint lanes in and which has to be lighted, that it would be unfair to allow someone to use the access without having any responsibility for its maintenance and repair. He stated that this property has no commercial access and cannot be used for commercial purposes by anyone but the property owners of the Marketplace of Canterbury.

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	**City Wide** **Other Areas**
Applicants/ Proponents	**Applicant(s)** Allen County Commissioners **City Department** **Other**
Opponents	**Groups or Individuals** Marketplace of Canterbury **Basis of Opposition** -rezoning would take unfair advantage of the center's established amenities
Staff Recommendation	☒ For ☐ Against **Reason Against**
Board or Commission Recommendation	**By** ☐ For ☒ Against ☐ No Action Taken ☐ For with revisions to conditions (See Details column for condition
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pass

DETAILS

Ted Sholeff stated in rebuttal that he could understand the shopping center desire to eliminate any other bidders. He stated however that every parcel has the highest and best use. He stated that he doubted that anyone would want to build a residence on this parcel. He stated that they are not representing the parcel as a great commercial property, but it does have to be sold, and they were aware of this when they put in the center.

There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.

3 February 1986 - Business Meeting

Motion was made to return the ordinance to the Common Council with a DO NOT PASS recommendation. Of the eight members present 7 voted in favor of denial one did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start **Date** 19 November 1986

Projected Completion or Occupancy **Date** 5 February 1986

Fact Sheet Prepared by **Date** 5 February 1986

Patricia Biancaniello

Reviewed by **Date** 2/5/86

Gary Buetin

Reference or Case Number

Prescribed by State Board of Accounts

A.E. BOYCE CO., MUNCIE, IND. GENERAL FORM NO. 352

RECEIPT

Ck # 376697

№ 10996

COMMUNITY DEVELOPMENT & PLANNING

FT. WAYNE, IND., November 27 1995

RECEIVED FROM Treasurer of Allen Co In $ 50 00

THE SUM OF Fifty Dollars 00/100 DOLLARS

ON ACCOUNT OF Rezoning Filing Fee

Gary Burton

AUTHORIZED SIGNATURE

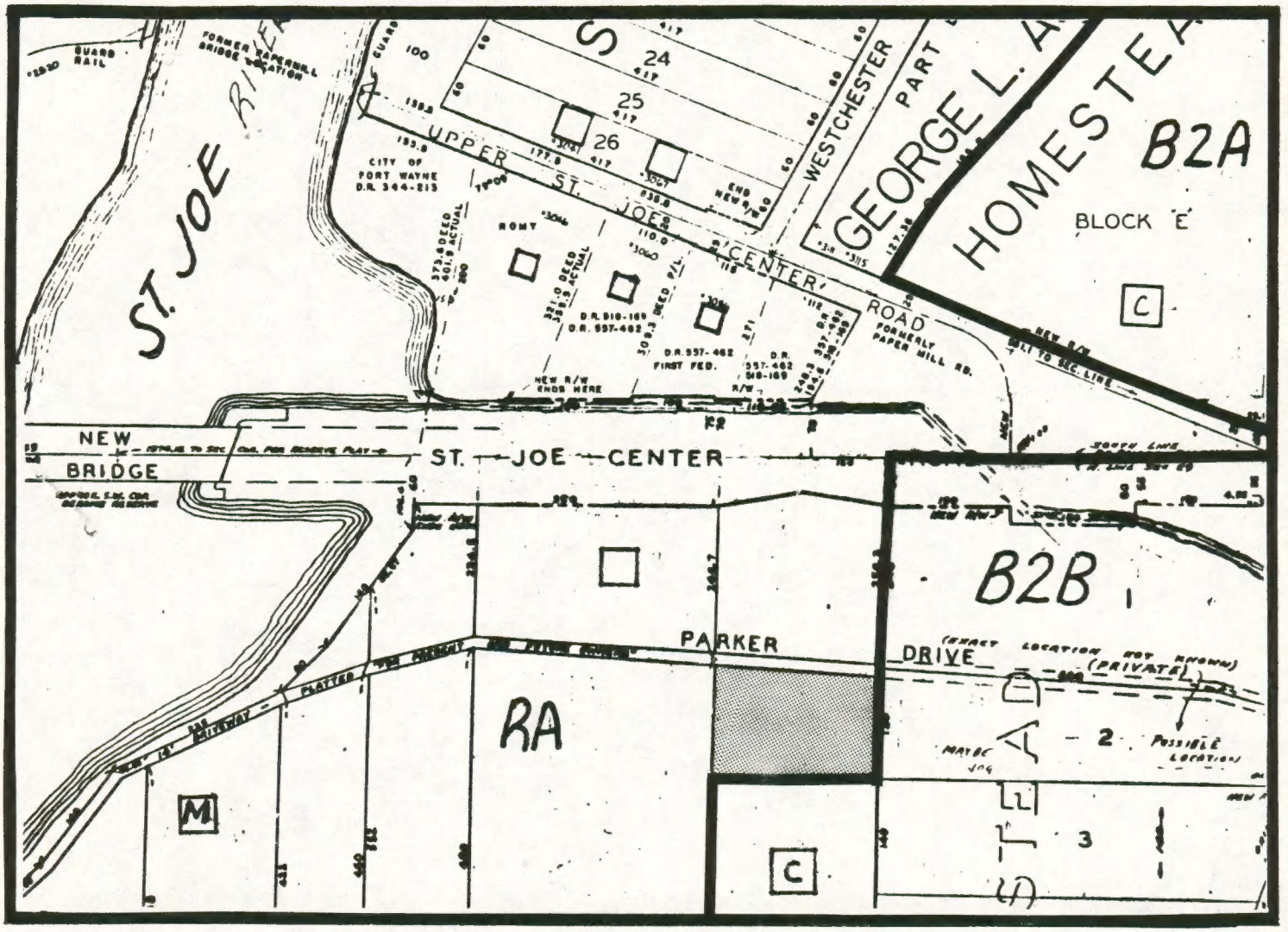
REZONING PETITION

#178

A PETITION TO AMEND THE ZONING MAP BY RECLASSIFYING DESCRIBED PROPERTY FROM AN RA DISTRICT TO A B2B DISTRICT.

MAP NO. Q-34

COUNCILMANIC DISTRICT NO. 2



Zoning:

B2A NEIGHBORHOOD SHOPPING CENTER

B2B COMMUNITY SHOPPING CENTER

RA RESIDENCE 'A'

Land Use:

□ SINGLE FAMILY

M MULTI-FAMILY

C COMMERCIAL

Z-86-01-22

NORTH

Scale: 1"=200'

Date: 1-6-86

ORIGINAL

Admn: Appr.

COUNCILMANIC DISTRICT No. 2 DIGEST SHEET ORIGINAL

3-86-01-22

TITLE OF ORDINANCE Zoning Ordinance Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - CD&P

SYNOPSIS OF ORDINANCE A 1.05 Acres parcel lying adjacent to the Northwest corner of the Marketplace of Canterbury.

EFFECT OF PASSAGE Property is now zoned RA - Suburban Residential. Property will become B-2-B - Community Shopping Center District.

EFFECT OF NON-PASSAGE Property will remain RA - Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings)

(ASSIGN TO COMMITTEE (J.N.)

BILL NO. Z-86-01-22

Hold for 2/23

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN (ORDINANCE) ~~(RESOLUTION)~~ amending the City of Fort Wayne Zoning Map No. Q-34

HAVE HAD SAID (ORDINANCE) ~~(RESOLUTION)~~ UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE) ~~(RESOLUTION)~~

YES NO

BEN A. EISBART, CHAIRMAN — Ben A. Eisbart

JANET G. BRADBURY, VICE CHAIRWOMAN — Janet G. Bradbury

DONALD J. SCHMIDT — D. Schmidt

THOMAS C. HENRY — Thom. Henry

CHARLES B. REDD — Charles B. Redd

CONCURRED IN 2-25-86

SANDRA E. KENNEDY
CITY CLERK